



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,010	02/25/2005	Masaki Shimizu	1254-0269PUS1	4656

2292 7590 06/16/2006

BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER

BENNETT, ZAHRA I

ART UNIT	PAPER NUMBER
----------	--------------

2875

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/526,010	SHIMIZU, MASAKI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Zahra Bennett	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 16-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-18, 21, 22 and 24-34 is/are rejected.
- 7) ☒ Claim(s) 19, 20 and 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Translation of JP 11-337942</u>        |

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the pushing member in Claims 21 and 22 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 21 and 22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is unclear to the examiner how exactly the pushing member is arranged and applied to the invention.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 16, 17, 29-32, and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Tomio (JP 11-337942).

With respect to claim 16, Tomio teaches a lighting apparatus comprising:

a lamp ([0010] lines 4-7);

an optical member (Figure 1: 2) with openings (Figure 3(c): 5); and

Art Unit: 2875

locking portions (4), wherein

at least one set of an opening (5) and a locking portion (4) is provided on each left and right sides with respect to center of the optical member (2) in the horizontal direction, both vertically above and below (Figure 1) with respect to the center of gravity of the optical member,

in a vertically upper side of the optical member, the optical member (Figure 3(c): 2) is suspended by at least the two sets of the opening (5) and the locking portion (4) on left and right sides horizontally with respect to the center of the optical member such that only an upper edge of the opening abut on an upper peripheral portion of locking portion, and

the locking portion (4) in a vertically lower side with respect to the center of gravity of the optical member penetrates the opening in a contactless manner ([0011] lines 7-10).

With respect to claim 17, Tomio teaches an LCD panel ([0009]).

With respect to claim 29, Tomio teaches a lighting apparatus comprising:

an optical member (Figure 1: 2) with a cutout portion (5); and

a locking portion (4),

wherein the lighting apparatus being capable of mounting a display unit ([0009]),

and wherein the cutout portion is formed in each side on the left and right sides

horizontally of the optical member, along the side (Figure 3(c)), and

the optical member (Figure 1: 2) is suspended in parallel with a display surface of the display unit by causing an upper internal edge of each cutout portion to abut on the locking portion.

With respect to claim 30, Tomio teaches a cutout portion (Figure 3(c)) is formed in each side on the top and bottom vertically of the optical member (2), along the side.

With respect to claim 31, Tomio teaches that the optical member (Figure 1: 2) is suspended by causing the periphery of the locking portion (4) to abut on both sides of each cutout portion (5) in the direction of the side ends, cutout portion being formed in each side on the left and right horizontally of the optical member (Figure 3(c)).

With respect to claim 32, Tomio teaches at least one of the cutout portions (Figure 3(c): 5) formed in both sides on the left and right sides horizontally of the optical member is disposed in a vertically upper side with respect to the center of gravity of the optical member (2).

With respect to claim 34, Tomio teaches an LCD apparatus comprising an LCD panel as the display unit ([0009]).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18, 24, 27, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomio (JP 11-337942) in view of Wang et al. (US Publication 2001/0055075).

With respect to claim 18, as best understood, Tomio teaches a lighting apparatus comprising:

a lamp ([0010] lines 4-7);

an optical member (Figure 1: 2) with openings (Figure 3(c): 5); and

locking portions (4),

wherein the lighting apparatus being capable of mounting a display unit ([0009]),

and wherein

the optical member (2) is suspended by at least one set of an opening (5) and a locking portion (4) as they are engaged with one another in a vertically upper side with respect to the center of gravity of the optical member,

in a vertically lower side with respect to the center of gravity of the optical member, the locking portion (Figure 1: 4) penetrates the opening (5) such that the optical member is not subjected to the stress caused by its own weight in the vertically

upward direction, nor is it subjected to the stress caused by its contact in the vertically downward direction with the locking portion.

Tomio does not teach a first stop position or the lighting apparatus being rotated from the basic position. Wang teaches a first stop position (Figure 6) and the lighting apparatus (10) is rotated from the basic position of the plane of the display unit ([0036] lines 17-21). It would have been obvious to one of ordinary skill at the time of the invention to include a first stop position and a rotating lighting apparatus on the device of Tomio for the benefit of operating the device with ease, as taught by Wang.

With respect to claim 24, Tomio does not teach a rotating lighting apparatus. Wang teaches a first stop position (Figure 1) is a position that is taken when the lighting apparatus is rotated by 90 or 180 from the basic position in the plane of the display unit ([0028] lines 7-11). It would have been obvious to one of ordinary skill at the time of the invention to include a first stop position and a rotating lighting apparatus on the device of Tomio for the benefit of operating the device with ease, as taught by Wang.

With respect to claim 27, Tomio teaches that the display unit is an LCD panel and the lighting apparatus is a backlight apparatus (Figure 1), the LCD apparatus being comprised of the LCD panel and the backlight apparatus ([0009]).

With respect to claim 28, Tomio does not teach a rotating mechanism. Wang teaches a rotating mechanism for rotating the display unit. It would have been obvious to one of ordinary skill at the time of the invention to include a rotating mechanism on

Art Unit: 2875

the device of Tomio for the benefit of operating the device with ease, as taught by Wang.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tomio as applied to claim 18 above, and further in view of Bourdelais et al. (US Patent 6,846,098).

With respect to claim 25, Tomio does not teach an antistatic finish. Bourdelais teaches a surface of the optical member is provided with an antistatic finish (Column 16, lines 57-61). It would have been obvious to one of ordinary skill at the time of the invention to have the optical member of Tomio provided with an antistatic finish for the benefit of achieving various light effects, as taught by Bourdelais.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tomio as applied to claim 18 above, and further in view of Okuno (US Publication 2001/0006461).

With respect to claim 26, Tomio does not teach that the optical member is chamfered. Okuno teaches that the optical member is chamfered (Figure 2: 7a-d, see [0057] lines 7-11). It would have been obvious to one of ordinary skill at the time of the invention to have the optical member of Tomio chamfered for the benefit of minimizing the thermal expansion, as taught by Okuno.

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tomio (JP 11-337942) in view of Wang et al. (US Publication 2001/0055075).

With respect to claim 33, Tomio teaches both in a basic portion and the optical member (Figure 1: 2) is supported by causing an upper internal edge of the cutout portion (5) formed in and along each side on the left and right sides (Figure 3(c)) horizontally of the optical member in a vertically upper portion of the optical member to abut on the locking portion (4).

Tomio does not teach a first stop position or the lighting apparatus being rotated from the basic position. Wang teaches a first stop position (Figure 6) and the lighting apparatus (10) is rotated from the basic position of the plane of the display unit ([0036] lines 17-21). It would have been obvious to one of ordinary skill at the time of the invention to include a first stop position and a rotating lighting apparatus on the device of Tomio for the benefit of operating the device with ease, as taught by Wang.

#### ***Allowable Subject Matter***

Claims 19, 20, and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zahra Bennett whose telephone number is 571-272-2267. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached on 571-272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ZB

  
RENEE LUEBKE  
PRIMARY EXAMINER